

REMARKS

I. Introduction

Claims 12 to 25 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 12 to 15, 17 to 20, 22, 24, and 25 Under 35 U.S.C. § 103(a)

Claims 12 to 15, 17 to 20, 22, 24, and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 4,965,833 ("McGregor et al."), U.S. Patent No. 3,755,625 ("Maston") and U.S. Patent No. 6,424,720 ("Thomas et al."). It is respectfully submitted that the combination of McGregor et al., Maston and Thomas et al. does not render unpatentable the present claims for at least the following reasons.

Claim 12 relates to a communications device for transmitting acoustic signals in a motor vehicle, including: at least two transmitter devices configured to transmit acoustic signals; at least two receiver devices configured to emit acoustic signals; and a control unit configured to activate and deactivate at least the transmitter devices. At least one transmitter device and at least one receiver device are assigned to a spatial position. The transmitter devices are configured to detect signal levels in accordance with the control unit. The control unit is configured to activate only a transmitter device having a highest signal level. Claim 12 has been amended herein without prejudice to recite that the control unit is assigned at least one control element configured to weight signal levels of at least one transmitter device to selectively attenuate and selectively amplify the signal level of each transmitter device in accordance with a respective weighting factor based on the weight. Support for this amendment may be found, for example, on page 2, line 16 to page 3, line 12 of the Specification. According to page 3, lines 3 to 7 of the Specification, "signals of people talking very loud are attenuated and the signals of people speaking very softly are amplified."

The Office Action concedes that neither McGregor et al. nor Maston discloses a control unit that attenuates or amplifies a signal of each transmitter device with a respective weighting factor based on a weight. The Office Action

contends that Thomas et al. describes attenuating a signal level of each transmitter in accordance with a respective weighting factor. However, critically missing from the disclosure of Thomas et al. is any mention of **amplification** of a signal level in accordance with a respective weighting factor. Thus, the combination of McGregor et al., Maston, and Thomas et al. fails to disclose, or even suggest a control unit assigned at least one control element configured to weight signal levels of at least one transmitter device to **selectively attenuate** and **selectively amplify** a signal level of each transmitter device in accordance with a respective weighting factor based on a weight. As such, it is respectfully submitted that the combination of McGregor et al., Maston, and Thomas et al. does not render unpatentable claim 12 or any of dependent claims 13 to 15, 17 to 20 and 24 for at least these reasons.

Claim 22 includes features analogous to those of claim 12.

Accordingly, it is respectfully submitted that the combination of McGregor et al., Maston, and Thomas et al. does not render unpatentable claim 22 or dependent claim 25 for at least the reasons set forth above.

Furthermore, regarding the statement of Official Notice made with respect to claim 17 on page 5 of the Office Action, Applicants respectfully **traverse** and respectfully request published information and/or an affidavit under 37 C.F.R. § 1.104(d)(2) in support of this unsupported contention.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 16 Under 35 U.S.C. § 103(a)

Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of McGregor et al., Maston, Thomas et al., and U.S. Patent No. 4,449,238 ("Lee et al."). It is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Lee et al. does not render unpatentable the present claim for at least the following reasons.

As explained above, the proposed combination of McGregor et al., Maston, and Thomas et al. does not disclose, or even suggest, all of the features of claim 12, from which claim 16 depends. Lee et al. describes a voice-actuated switching system, but does not cure the critical deficiencies of the combination of McGregor et al., Maston, and Thomas et al. with respect to the features of claim 12. Accordingly, it is respectfully submitted that the combination of McGregor et al.,

Maston, Thomas et al. and Lee et al. does not render unpatentable claim 16, which depends from claim 12.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 21 and 23 Under 35 U.S.C. § 103(a)

Claims 21 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of McGregor et al., Maston, Thomas et al., and Japanese Patent Publication No. 10-032898 ("Yoshioka"). It is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Yoshioka does not render unpatentable the present claims for at least the following reasons.

As explained above, the proposed combination of McGregor et al., Maston, and Thomas et al. does not disclose, or even suggest, all of the features of claim 12, from which claims 21 and 23 depend. Yoshioka describes a vehicle acoustic device, but does not cure the critical deficiencies more fully set forth above with respect to the combination of McGregor et al., Maston, and Thomas et al. Accordingly, it is respectfully submitted that the combination of McGregor et al., Maston, Thomas et al., and Yoshioka does not render unpatentable claims 21 and 23, which depend from claim 12.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: March 9, 2010

By: /Clifford A. Ulrich/
Clifford A. Ulrich
Reg. No. 42,194

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646